

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

FILED

APR - 6 2006

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

Objection to Annual Wage Order No. 13

By Sheet Metal Worker's International Association Local Union No. 2

OBJECTORS

COMES NOW Sheet Metal Worker's International Association Local Union No. 2 ("Objector Union"), and files its objection to Wage Order No. 13 as it relates to the determination of the prevailing wages for Sheet Metal Workers in **Linn County, Missouri**. In support of its objection, Objector Union states as follows:

1. Objector Union, with its primary offices in Kansas City, Missouri, represents members who perform work with signatory contractors pursuant to a collective bargaining agreement ("CBA") throughout the western half of the State of Missouri, including **Linn County, Missouri**. These members perform work as defined by the occupational title "sheet metal worker" as set out in 8 C.S.R. 30-3.060. As a representative of its membership including those performing sheet metal work in **Linn County, Missouri**, Objector Union is a party affected by the determination of the prevailing wage rates for Sheet Metal Workers.

2. Wage Order No. 13 sets the prevailing basic hourly wage rate for Sheet Metal Workers in **Linn County, Missouri** at forty-one dollars and ninety-two cents (\$41.92) per hour. Wage Order No. 13 sets no prevailing fringe benefit for Sheet Metal Workers in **Linn County, Missouri**.

3. Wage Order No. 13 sets the prevailing Over-Time Schedule [and pay] for Sheet Metal Workers in **Linn County, Missouri** as "FED", defined in the Wage Order as "Minimum Requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week."

4. Wage Order No. 13 sets no prevailing Holiday Schedule/Pay Rate for Sheet Metal Workers in **Linn County, Missouri**.

5. The Objector Union asserts that:

(a) the correct prevailing basic hourly wage rate for Sheet Metal Workers in **Linn County, Missouri** is thirty-one dollars and forty-three cents (\$31.43) per hour;

(b) the correct fringe benefit total package for Sheet Metal Workers in **Linn County, Missouri** is twelve dollars and forty-eight cents (\$12.48) per hour;

(c) the correct prevailing Over-Time Schedule/Pay Rate for Sheet Metal Workers in **Linn County, Missouri** (similar to "No. 17" of the Linn County Over-Time Schedule, Building Construction, in Wage Order No. 13) is:

The regular working day shall consist of eight (8) hours of labor between eight (8) a.m. and five (5) p.m. and the regular work week shall consist of five (5) consecutive eight (8) hour days of labor beginning on Monday and ending with Friday of each week. All full-time or part-time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. Except as otherwise provided, all work performed outside of regular working hours during the regular work week, shall be at double (2) times the regular rate. When circumstances warrant and when it is mutually beneficial and agreed to by interested parties, the Employer may institute a work week consisting of four (4) consecutive ten (10) hour days, between the hours of six (6) a.m. and five (5) p.m., Monday through Thursday. Friday may be used as a make-up day, and, if utilized, a minimum of eight (8) hours work must be scheduled. The make-up day will be voluntary, and a decision not to work may not be held against the employee. When working four (4) ten (10) hour days, overtime will be paid at the time and one-half (1 ½) rate for the eleventh

(11th) and twelfth (12th) hour, all other work will be paid at the double (2) time rate of pay. The first two (2) hours of overtime, Monday through Friday, and the first eight (8) hours on Saturday shall be at time and one-half (1 ½) for all work. All other overtime shall be at double (2) time. The first two (2) hours of overtime must be concurrent with the regular work day, two (2) hours prior to or following the regular work day are at time and one-half (1 ½). The regular workday (as previously defined) on Saturday is paid at time and one-half (1 ½). Work performed outside of the regular Saturday work day is at double (2) time. All work performed on recognized holidays, or days locally observed as such, and Sundays shall be paid at the double (2) time rate of pay. The starting time may be varied by one (1) hour; and

(d) the correct prevailing Holiday Schedule/Pay Rate for Sheet Metal

Workers in **Linn County, Missouri** (identical to "No. 22" in the Linn County Holiday

Schedule - Building Construction in Wage Order No. 13) is:

All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or days locally observed as such, and Sunday shall be recognized as holidays. If a holiday falls on Saturday, Friday shall be observed; if it falls on Sunday, Monday shall be observed. All work performed on holidays shall be paid at the double (2) time rate of pay.

6. Objector Union's assertions are based upon wage and fringe benefit rates, overtime rates and holiday schedule and pay rates established by CBA in effect during the relevant period.

7. In accordance with the CBA, members of Objector Union have performed a very substantial number of hours of work as Sheet Metal Workers at the above-quoted basic wage rate, fringe benefit rate, overtime rate and holiday schedule/pay rate, all of which will be substantiated through the submission of, *inter alia*, Contractor's Reports of Construction Wage Rates directly to the Division of Labor Standards and the Commission.

For the foregoing reasons, Objector Union requests that the prevailing wage determination for Sheet Metal Workers in **Linn County, Missouri**, as reflected in Annual Wage Order No. 13, be adjusted as follows:

(a) Basic Hourly Rate: Thirty-One dollars and forty-three cents (\$31.43) per hour;

(b) Total Fringe Benefits: Twelve dollars and forty-eight cents (\$12.48) per hour;

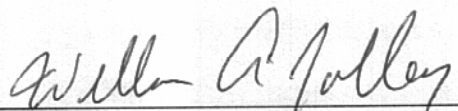
(c) Over-Time Schedule/Pay Rate: The regular working day shall consist of eight (8) hours of labor between eight (8) a.m. and five (5) p.m. and the regular work week shall consist of five (5) consecutive eight (8) hour days of labor beginning on Monday and ending with Friday of each week. All full-time or part-time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. Except as otherwise provided, all work performed outside of regular working hours during the regular work week, shall be at double (2) times the regular rate.

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All other overtime shall be at double (2) time. The first two (2) hours of overtime must be concurrent with the regular work day, two (2) hours prior to or following the regular work day are at time and one-half (1 ½). The regular workday (as previously defined) on Saturday is paid at time and one-half (1 ½). Work performed outside of the regular Saturday work day is at double (2) time. All work performed on recognized holidays, or days locally observed as such, and Sundays shall be paid at the double (2) time rate of pay. The starting time may be varied by one (1) hour; and

(d) Holiday Schedule/Pay Rate: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or days locally observed as such, and Sunday shall be recognized as holidays. If a holiday falls on Saturday, Friday shall be observed; if it falls on Sunday, Monday shall be observed. All work performed on holidays shall be paid at the double (2) time rate of pay.

Respectfully submitted,



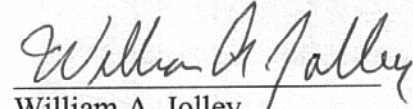
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ATTORNEYS FOR OBJECTOR
UNION AND ITS MEMBERS

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2006, a copy of the foregoing
Objection To Annual Wage No. 13 has been furnished to the Division of Labor Standards
by depositing same in U.S. Mail, postage prepaid and addressed to:

Division of Labor Standards
P.O. Box 449
Jefferson City, MO 65102-0449


William A. Jolley